

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-01833-CKK**

DAILY CALLER NEWS FOUNDATION v. FEDERAL
BUREAU OF INVESTIGATION
Assigned to: Judge Colleen Kollar-Kotelly
Cause: 05:552 Freedom of Information Act

Date Filed: 08/06/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**DAILY CALLER NEWS
FOUNDATION**

represented by **Lee A. Steven**
CAUSE OF ACTION INSTITUTE
1875 Eye Street, NW
Suite 800
Washington, DC 20006
(202) 400-2723
Fax: (202) 330-5842
Email: lee.steven@causeofaction.org
ATTORNEY TO BE NOTICED

Eric R. Bolinder
CAUSE OF ACTION INSTITUTE
1875 Eye Street, NW
Suite 800
Washington, DC 20006
(202) 470-2396
Email: eric.bolinder@causeofaction.org
ATTORNEY TO BE NOTICED

V.

Defendant

**FEDERAL BUREAU OF
INVESTIGATION**

represented by **Jason Todd Cohen**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2523
Fax: (202) 252-2599
Email: jason.cohen@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/06/2018	<u>1</u>	COMPLAINT against FEDERAL BUREAU OF INVESTIGATION (Filing fee \$ 400 receipt number 0090-5622622) filed by DAILY CALLER NEWS FOUNDATION. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Civil Cover Sheet, # <u>4</u> Summons FBI, # <u>5</u> Summons AG, # <u>6</u> Summons Clerk)(Bolinder, Eric) (Entered: 08/06/2018)
08/06/2018	<u>2</u>	Corporate Disclosure Statement by DAILY CALLER NEWS FOUNDATION. (Bolinder, Eric) (Entered: 08/06/2018)
08/06/2018	<u>3</u>	NOTICE of Appearance by Lee A. Steven on behalf of DAILY CALLER NEWS FOUNDATION (Steven, Lee) (Entered: 08/06/2018)
08/08/2018		Case Assigned to Judge Colleen Kollar-Kotelly. (zsb) (Entered: 08/08/2018)
08/08/2018	<u>4</u>	ORDER ESTABLISHING PROCEDURES FOR CASES ASSIGNED TO JUDGE COLLEEN KOLLAR-KOTELLY. Signed by Judge Colleen Kollar-Kotelly on

		08/08/18. (DM) (Entered: 08/08/2018)
08/10/2018	<u>5</u>	SUMMONS (3) Issued Electronically as to FEDERAL BUREAU OF INVESTIGATION, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Notice and Consent)(zsb) (Entered: 08/10/2018)
08/17/2018	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 8/14/2018. Answer due for ALL FEDERAL DEFENDANTS by 9/13/2018. (Bolinder, Eric) (Entered: 08/17/2018)
08/17/2018	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 8/14/2018. (Bolinder, Eric) (Entered: 08/17/2018)
08/17/2018	<u>8</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. FEDERAL BUREAU OF INVESTIGATION served on 8/14/2018 (Bolinder, Eric) (Entered: 08/17/2018)
09/14/2018		MINUTE ORDER: The Court notes that Defendant was served with Plaintiff's <u>1</u> FOIA complaint on August 14, 2018. Defendant's Answer to Plaintiff's <u>1</u> Complaint was due September 13, 2018. The Court has not received Defendant's Answer. The Court ORDERS Defendant to file an Answer by SEPTEMBER 17, 2018. Signed by Judge Colleen Kollar-Kotelly on 9-14-2018. (lcckk3) (Entered: 09/14/2018)
09/14/2018	<u>9</u>	NOTICE of Appearance by Jason Todd Cohen on behalf of FEDERAL BUREAU OF INVESTIGATION (Cohen, Jason) (Entered: 09/14/2018)
09/17/2018	<u>10</u>	Unopposed MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by FEDERAL BUREAU OF INVESTIGATION (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Declaration of Daniel F. Van Horn)(Cohen, Jason) (Entered: 09/17/2018)
09/17/2018		MINUTE ORDER: The Court is in receipt of Defendant's <u>10</u> Unopposed Motion for Extension of Time to Answer or Otherwise Respond to Complaint. According to the docket, Defendant was served on August 14, 2018, resulting in Defendant's Answer being due on September 13, 2018. In its Motion, Defendant explains that, while the docket indicates that service was executed via certified mail on August 14, 2018, the docket is incorrect. As a result of errors in the way the service envelope was addressed and handled, service was actually not perfected until September 13, 2018. Attached to Defendant's <u>10</u> Motion is a Declaration by Assistant United States Attorney for the District of Columbia Daniel Horn attesting to this. As service was not perfected until September 13, 2018, Defendant's Answer is not due until October 13, 2018. Defendant requests until October 15, 2018 to file its Answer. Because the Motion for an extension of time is unopposed and made in good faith, the Court GRANTS Defendant's <u>10</u> Motion. The Court ORDERS Defendant to answer Plaintiff's <u>1</u> Complaint by OCTOBER 15, 2018. Signed by Judge Colleen Kollar-Kotelly on 9-17-2018. (lcckk3) (Entered: 09/17/2018)
09/17/2018		Set/Reset Deadlines: Answer due by 10/15/2018. (dot) (Entered: 09/19/2018)
10/15/2018	<u>11</u>	ANSWER to Complaint by FEDERAL BUREAU OF INVESTIGATION.(Cohen, Jason) (Entered: 10/15/2018)
10/15/2018	<u>12</u>	ORDER: The Parties shall file a Joint Status Report proposing a schedule for proceeding in this matter by 10/29/2018. See Order for details. Signed by Judge Colleen Kollar-Kotelly on 10/15/18. (DM) (Entered: 10/15/2018)
10/15/2018		Set/Reset Deadlines: Joint Status Report proposing a schedule for proceeding in this matter due by 10/29/2018. (dot) (Entered: 10/17/2018)
10/29/2018	<u>13</u>	Joint STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION. (Cohen, Jason) (Entered: 10/29/2018)
10/29/2018		MINUTE ORDER: The Court is in receipt of the parties' <u>13</u> Joint Status Report. The parties report that, even after narrowing the scope of records potentially responsive to Plaintiff's FOIA request, there remain approximately 7,000 pages of responsive records, well above the FBI's large que cutoff. Accordingly, Defendant has notified Plaintiff that, due to workload and litigation constraints, it intends to file a motion for

		an Open America stay. The parties report that they conferred but were unable to agree on a briefing schedule. Due to pre-arranged absences from the office and prior litigation commitments, Defendant requests that briefing on the Open America stay begin on December 7, 2018 and conclude by January 24, 2019. Plaintiff argues that, as a news organization, it needs access to the records as soon as possible. Accordingly, Plaintiff asks that briefing begin on November 21, 2018 and conclude by December 19, 2018. The Court will set a compromise briefing schedule. Defendant's Motion to Stay is due by NOVEMBER 30, 2018. Plaintiff's Opposition is due by DECEMBER 21, 2018. And, Defendant's Reply is due by JANUARY 9, 2018. Signed by Judge Colleen Kollar-Kotelly on 10/29/2018. (lcckk3) (Entered: 10/29/2018)
10/29/2018		Set/Reset Deadlines: Defendant's Motion to Stay due by 11/30/2018. Response due by 12/21/2018 Reply due by 1/9/2019. (Entered: 11/01/2018)
11/30/2018	<u>14</u>	MOTION to Stay by FEDERAL BUREAU OF INVESTIGATION (Attachments: # <u>1</u> Declaration of David M. Hardy)(Cohen, Jason) (Entered: 11/30/2018)
12/21/2018	<u>15</u>	Memorandum in opposition to re <u>14</u> MOTION to Stay filed by DAILY CALLER NEWS FOUNDATION. (Attachments: # <u>1</u> Declaration of Eric R. Bolinder, # <u>2</u> Text of Proposed Order)(Bolinder, Eric) (Entered: 12/21/2018)